

WALTER L. WAGNER  
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FILED  
U.S. DISTRICT COURT

2011 NOV 16 P 2:15

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

**UNITED STATES DISTRICT COURT**

**DISTRICT OF UTAH**

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WALTER L. WAGNER,	)	Case: 2:11cv00784
	)	
Plaintiff	)	<b>ERRATUM RE</b>
	)	<b>AFFIDAVIT OF WALTER L.</b>
vs.	)	<b>WAGNER IN SUPPORT OF</b>
	)	<b>MOTION FOR PRELIMINARY</b>
PRESTON MICHIE, KENNETH	)	<b>INJUNCTIVE RELIEF</b>
FRANCIK, LESLIE COBOS, MARK	)	
ROBINSON, ANNETTE EMERSON	)	
STEVE BRYANT, WORLD BOTANICAL	)	Hon. Brooke C. Wells
GARDENS, INC. (WBG),	)	
	)	
Defendants	)	
	)	

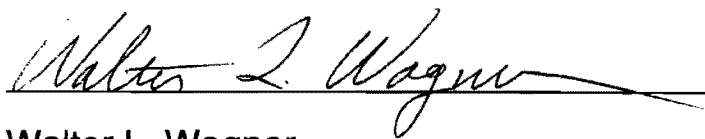
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**ERRATUM RE AFFIDAVIT OF WALTER L. WAGNER IN SUPPORT OF  
MOTION FOR PRELIMINARY INJUNCTIVE RELIEF**

Attached herewith is the *Exhibit "A"* referenced in my affidavit, and which was inadvertently not attached to the actually filed affidavit as it was indicated would be the case.

The attached is a true and correct copy of the filing made with the State of Nevada that I had obtained and referenced in my affidavit. The originally stated filing period was indicated by defendant Emerson to be September 2, 2004, but this was subsequently redacted by her (by scratching it out) prior to its filing to instead indicate backdated to April 2004. The scratch-out is legible nonetheless. The date submitted for filing is September 2, 2004.

DATED: November 15, 2011

A handwritten signature in cursive script, reading "Walter L. Wagner", written over a horizontal line.

Walter L. Wagner

**EXHIBIT "A"**  
**Nevada Corporation Record**

**Amended**

**(PROFIT) ANNUAL LIST OF OFFICERS, DIRECTORS AND RESIDENT AGENT OF**

FILE NUMBER

**World Botanical Gardens, Inc.**  
(Name of Corporation)

**9341-2001**

FOR THE FILING PERIOD OF

~~April 2003~~

~~April 2004~~

**April 2004**

**April 2005**

The corporation's duly appointed resident agent in the State of Nevada upon whom process can be served is:

**Annette Emerson**  
**1380 Greg St #204**  
**Sparks, NV 89431**

☐ CHECK BOX IF YOU REQUIRE A FORM TO UPDATE YOUR RESIDENT AGENT INFORMATION.

Important: Read Instructions before completing and returning this form.

THE ABOVE SPACE IS FOR OFFICE USE ONLY

- Print or type names and addresses of officers and directors, for all officers and directors. A President, Secretary, Treasurer, or equivalent of each all Directors and all directors must be named. Have an officer sign this form. FORM WILL BE RETURNED IF UNSIGNED.
- If there are additional directors attach a list of them to this form.
- Return this statement to the Secretary of State. A \$75.00 penalty must be added for failure to file this form by the deadline. An annual list received more than 90 days before its due date shall be deemed as compliance for the previous year.
- Make your check payable to the Secretary of State. Your completed check will constitute a certificate to transmit business per NRS 78.102. To receive a certified copy, enclose an additional \$50.00 and appropriate instructions.
- Return this completed form to: Secretary of State, 300 North Carson Street, Carson City, NV 89701-0001, (775) 684-6700.
- Forms must be in the possession of the Secretary of State on or before the first day of the month in which it is due. (Payment date is not accepted as receipt date.) Forms received after due date will be returned for additional fees and penalties.

**CHECK ONLY IF APPLICABLE**

- ☐ This corporation is a publicly traded corporation. The Central Index Key number is:
- ☐ This publicly traded corporation is not required to have a Central Index Key number.

NAME <b>Kenneth Francik</b>	TITLE <b>PRESIDENT (OR EQUIVALENT OF)</b>
ADDRESS <b>687-C Lariate Ln</b>	CITY <b>Simi Valley</b>
	ST <b>CA</b>
	ZIP <b>93065</b>
NAME <b>Annette Emerson</b>	TITLE <b>SECRETARY (OR EQUIVALENT OF)</b>
ADDRESS <b>1380 Greg St #204</b>	CITY <b>Sparks</b>
	ST <b>NV</b>
	ZIP <b>89431</b>
NAME <b>Annette Emerson</b>	TITLE <b>TREASURER (OR EQUIVALENT OF)</b>
ADDRESS <b>1380 Greg St #204</b>	CITY <b>Sparks</b>
	ST <b>NV</b>
	ZIP <b>89431</b>
NAME <b>Lanny Neel</b>	TITLE <b>DIRECTOR</b>
ADDRESS <b>P.O. Box 324</b>	CITY <b>Honolulu</b>
	ST <b>HI</b>
	ZIP <b>96728</b>

I declare, to the best of my knowledge under penalty of perjury, that the above mentioned entity has complied with the provisions of NRS 360.780 and acknowledge that pursuant to NRS 238.230, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

X Signature of Officer

Title **Secretary/Treasurer** Date **9-2-04**

*Annette Emerson*